

**COURT OF APPEALS  
DECISION  
DATED AND RELEASED**

February 26, 1997

A party may file with the Supreme Court a petition to review an adverse decision by the Court of Appeals. See § 808.10 and RULE 809.62, STATS.

**NOTICE**

This opinion is subject to further editing. If published, the official version will appear in the bound volume of the Official Reports.

**No. 96-2913**

**STATE OF WISCONSIN**

**IN COURT OF APPEALS  
DISTRICT II**

**In the Interest of Samantha H.,  
a Person Under the Age of 17:**

**STATE OF WISCONSIN,**

**Plaintiff-Respondent,**

**v.**

**SAMANTHA H.,**

**Defendant-Appellant.**

APPEAL from an order of the circuit court for Waukesha County:  
KATHRYN W. FOSTER, Judge. *Affirmed.*

NETTESHEIM, J. Samantha H. appeals from a sanction order imposed by the juvenile court pursuant to § 48.355(6)(d)1, STATS., 1993-94.<sup>1</sup> This statute permits the juvenile court to impose a sanction of not more

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<sup>1</sup> This section has been repealed by 1995 Wis. Act 77, § 288. The new section which contains many of the same provisions is § 939.355, STATS. See 1995 Wis. Act 77, § 629. All references are to the 1993-94 statutes.

than ten days in a secure detention facility if a delinquent child has violated a condition specified in the dispositional order. The appellate issue is whether the court may impose separate sanctions for violations of separate conditions when the sanctions are sought via a single motion. We hold that the court may impose such separate sanctions.

The facts are simple and direct. The juvenile court adjudged Samantha delinquent. In the dispositional order, the court imposed a variety of conditions. In a single motion, the State alleged that Samantha had violated three of the conditions. At the sanctions hearing, Samantha stipulated to violations of two of the conditions.<sup>2</sup> The court imposed separate ten-day secure detention sanctions (ten days for each violation). Later, the court rejected Samantha's argument that § 48.355(6), STATS., limited the court's authority to but one ten-day secure detention sanction.

This appeal presents a question of statutory interpretation, a question of law that we decide de novo. See *State v. Dawn M.*, 189 Wis.2d 480, 484, 526 N.W.2d 275, 276 (1992). If the words of the statute convey the legislative intent, that ends our inquiry. We will not look beyond the plain language of a statute to search for other meanings; we will simply apply the language to the case at hand. See *id.* at 484, 526 N.W.2d at 276-77.

Section 48.355(6)(a), STATS., provides that “[i]f a child who has been adjudged delinquent violates a condition specified in sub. (2)(b)7, the court

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<sup>2</sup> The State did not pursue a sanction for the third violation because Samantha had complied with that condition by the time of the hearing.

may impose on the child one of the sanctions specified in par. (d).” There are four different sanctions listed in para. (d), and secured detention for not more than ten days is one of the listed sanctions. *See* § 48.355(6)(d).

Samantha argues that the statutory language is ambiguous because there are alternative reasonable interpretations of the statute. One interpretation is that each violation of a condition in a dispositional order may be sanctioned by a ten-day period of secured detention; if there is more than one violation, more than one ten-day period of secured detention may be imposed for each violation. This is the interpretation adopted by the juvenile court.

Another reasonable interpretation, according to Samantha, is that when there are multiple violations, no more than one ten-day period of secured detention may be imposed for all violations.<sup>3</sup>

We do not agree with Samantha that there is more than one reasonable interpretation of § 48.355(6)(a) and (d), STATS. The plain language of para. (a) permits the imposition of “one of the sanctions specified in par. (d)” when a child “violates a condition.” There is no hint in the language of either para. (a) or para. (b) that the juvenile court may impose only one sanction at a time or one sanction regardless of the number of violations of conditions.

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<sup>3</sup> Samantha offers yet a third interpretation of the statute. She says that the statute can be read to permit an absolute maximum of ten days in secure detention regardless of the number of violations alleged in the sanctions motion. We see no difference between this interpretation and the interpretation urged by Samantha which we have just described.

Samantha also argues that § 48.355(6g), STATS., relating to contempt procedures for “a 2nd or subsequent violation of a condition” of the dispositional order, demonstrates that the juvenile court was authorized to impose only one sanction on Samantha for the two conditions violated. We disagree. The fact that the legislature authorizes the increase on consequences for the second and subsequent violations of a condition does not indicate that a separate sanction may not be imposed for the first violation of each condition.

Samantha also argues that unless the statute is limited as she contends, the State will be free to seek separate sanctions for multiple violations which really represent but one violation. To make her point, she takes us into hypothetical situations far beyond the facts of this case. We properly decline to decide a case on hypothetical or future rights. See *Pension Management, Inc., v. DuRose*, 58 Wis.2d 122, 128, 205 N.W.2d 553, 555-56 (1973). We also properly reject “hyperbolic” arguments based upon speculation about the possible mischief a decision might work in a case involving future hypothetical cases. See *State ex rel. Angela M.W. v. Kruzicki*, 197 Wis.2d 532, 566, 541 N.W.2d 482, 495 (Ct. App. 1995).

If, in a future case, we see a misuse of a prosecutor's or the juvenile court's discretion under this statute, we have the authority to correct that situation. See *State v. B.S.*, 162 Wis.2d 378, 396, 469 N.W.2d 860, 867 (Ct. App. 1991). That condition, however, does not exist here.

*By the Court.* — Order affirmed.

This opinion will not be published. *See* RULE 809.23(1)(b)4, STATS.